

REMARKS

Claims 1-8, 10-20 and 23-33 are pending. Claims 1-8, 10-12, 15-20, 23-26 and 30-33 stand rejected, and claims 13, 14 and 27-29 are objected to. Claims 1, 2 and 33 are in independent form and have been amended.

Independent claims 1, 2 and 33 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,704,805 (Sheafe), in view of U.S. Patent No. 4,749,100 (Eberhart), and further in view of U.S. 5,934,495 (Chiodo). Applicant has amended claims 1 and 2 to clarify that “at least a portion of the center panel is uncovered when the filler material is covering the groove,” and has amended claim 33 to clarify that “at least a portion of the center panel is uncovered when the filler material is covering the recess.” Applicant notes that recitation in claim 33 of the limitation “recess” is fully supported by the specification, such as by the example of the “annular groove”. Applicant submits that neither Sheafe, Eberhart, nor Chiodo teach such structure. The office action agrees that both Sheafe and Eberhart fail to teach a can end having a filler material wherein the center panel is exposed (*See* office action p. 2-3). Accordingly, applicant focuses his arguments to Chiodo.

In that regard, Chiodo teaches a can end having a transparent protective film covering the can end. While the can end is exposed to sun light, a portion of the center panel is not uncovered because the entire can end is covered by the film. Therefore, Chiodo does not teach a can end having a filler material “merging with an upper surface of the center panel, wherein at least a portion of the center panel is uncovered when the filler material is covering the recess,” as claimed. Accordingly, applicant submits that claims 1, 2 and 33 (and claims 3-8, 10-20 and 23-32 which ultimately depend from one of claims 1, 2 and 33) are in condition for allowance.

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